United Nations S/PV.3617

Security Council
Fifty-first Year

Provisional

3617th Meeting
Monday, 8 January 1996, 11.30 a.m.
New York

President:	Sir John Weston	(United Kingdom of Great Britain and Northern Ireland)
Members:	Botswana	Mr. Nkgowe
	Chile	Mr. Maquieira
	China	Mr. He Yafei
	Egypt	Mr. Elaraby
	France	Mr. Dejammet
	Germany	Mr. Henze
	Guinea-Bissau	Mr. Mano Queta
	Honduras	Mr. Rendón Barnica
	Indonesia	Mr. Wibisono
	Italy	Mr. Ferrarin
	Poland	Mr. Wlosowicz
	Republic of Korea	Mr. Park
	Russian Federation	Mr. Fedotov
	United States of America	Mr. Gnehm

Agenda

The situation in Croatia

Report on the situation of human rights in Croatia pursuant to Security Council resolution 1019 (1995) (S/1995/1051)

96-85022 (E)

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The meeting was called to order at 11.40 a.m.

Tribute to the memory of His Excellency Mr. François Mitterrand, former President of France

The President: It is with great sadness that we have received this morning the news of the passing away of former President François Mitterrand.

President Mitterrand played a pivotal role in the history of his country, indeed of the world. His political life spanned five decades, during which he played an active and influential role as a Cabinet minister, as a political leader and as a statesman. In recent years, President Mitterrand was instrumental in the process of the unification of Europe. President Mitterrand was also known for his determination and his courage, which he demonstrated until his last days.

President Mitterrand was a friend of the United Nations and a strong defender of its principles and objectives.

Today, the world mourns the passing away of this great man. On behalf of all members of the Council, I should like to ask the Permanent Representative of France, His Excellency Ambassador Alain Dejammet, to convey our deepest sympathy to the family of President Mitterrand and to the Government and the people of France.

I now invite the members of the Council to rise and observe a minute of silence in tribute to the memory of President Mitterrand.

The members of the Council observed a minute of silence.

Mr. Dejammet (France) (*interpretation from French*): Upon the announcement of the death of Mr. François Mitterrand, former President of the French Republic, Mr. Jacques Chirac, President of the French Republic, made the following statement:

> "President François Mitterrand passed away this morning. I have just come from paying him my final respects. I have also conveyed to his family my condolences and those of the nation.
>
> "For 14 years, Mr. Mitterrand wrote an important page of the history of our country. He ensured the smooth functioning of our institutions. He allowed the democratic transfer of power to go forward calmly. He tried to strengthen solidarity, and he resolutely advanced the process of building Europe.
>
> "Faced with illness, he showed exceptional courage. Great was the man who has left us. It is with great emotion and respect that I hail him."

I thank you, Mr. President, for having associated the Council and all its members with this tribute.

Adoption of the agenda

The agenda was adopted.

The situation in Croatia

Report on the situation of human rights in Croatia pursuant to Security Council resolution 1019 (1995) (S/1995/1051)

The President: I should like to inform the Council that I have received a letter from the representative of Croatia, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Nobilo (Croatia) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in the course of its prior consultations.

Members of the Council have before them the report on the situation of human rights in Croatia pursuant to Security Council resolution 1019 (1995), document S/1995/1051.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council has considered the report of the Secretary-General of 21 December 1995 submitted pursuant to its resolution 1019 (1995) of 9 November 1995 on Croatia and in particular the humanitarian situation and human rights violations described therein.

"The Security Council strongly condemns the violations of international humanitarian law and human rights in the former sectors North and South in the Republic of Croatia, as described in the report of the Secretary-General, including killings of several hundreds of civilians, systematic and widespread looting and arson and other forms of destruction of property. The Council expresses its deep concern that there is a considerable discrepancy between the number of perpetrators that have so far been brought to justice and the number of reported violations of international humanitarian law and human rights. The Council urges the Government of the Republic of Croatia to make every effort to arrest all perpetrators and bring them promptly to trial.

"The Security Council is disturbed by the humanitarian and security situation of the mostly elderly Serb population who have remained in the former sectors in the Republic of Croatia. The Council is gravely concerned at the information contained in the report on continuing extensive harassment and intimidation, looting of property and other forms of abuse. It reaffirms once again its demand that the Government of the Republic of Croatia take urgent measures to stop all such acts immediately and calls on the Government of the Republic of Croatia to provide urgently needed food, medical assistance and proper shelter to the Serb population.

"The Security Council reaffirms that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts. It recalls with dismay the failure to date of the Government of the Republic of Croatia to transfer to the custody of the International Tribunal established pursuant to its resolution 827 (1993) persons indicted by the Tribunal and expresses its concern at the recent appointment of one of those indicted to a position in the Croatian army. The Council reiterates that all States must cooperate fully with the International Tribunal and its organs.

"The Security Council expresses its deep concern at the situation of the refugees from the Republic of Croatia who wish to return. The Council shares the Secretary-General's view that the rights of the members of the Serb population who fled during the military operation to return to their homes in safety and dignity are being severely curtailed by the absence of constructive measures to facilitate their return. The Council reaffirms its demand that the Government of the Republic of Croatia respect fully the rights of the members of the local Serb population, including their right to remain, leave or return in safety, and demands that that Government create conditions conducive to the return of those persons and urgently establish procedures to facilitate the processing of requests by persons wishing to return. It also urges the Government of the Republic of Croatia to refrain from any measure which would adversely affect the exercise of the right to return.

"The Security Council reaffirms its call on the Republic of Croatia to lift any time-limits placed on the return of refugees to reclaim their property. It notes the decision of the Government of the Republic of Croatia of 27 December 1995 to suspend the deadline set in the relevant Croatian law as a step in the right direction. The Council will follow closely whether the Republic of Croatia will lift any such time-limit in a definitive manner.

"The Security Council takes note with appreciation of the decision of the Government of the Republic of Croatia of 30 December 1995 to suspend criminal proceedings against and release 455 local Serbs detained on suspicion of armed rebellion. The Council calls on the Government of the Republic of Croatia to take the appropriate measures to ensure that the right to a fair trial of those Serbs who remained and have been arrested and accused of war crimes or armed rebellion is safeguarded.

"The Security Council affirms that it is necessary to ensure that the rights of persons belonging to the Serb minority are adequately safeguarded in the legal and constitutional framework of the Republic of Croatia. It urges the Government of Croatia to rescind its decision to suspend several articles of the 'Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities in the Republic of

Croatia' as described in the report of the Secretary-General. The Council stresses that strict respect for the rights of persons belonging to the Serb minority will also be of great importance to the implementation of the Basic Agreement of 12 November 1995 on the Region of Eastern Slavonia, Baranja and Western Sirmium (S/1995/951, annex).

"The Security Council requests the Secretary-General to keep the Council regularly informed on the progress of measures taken by the Government of the Republic of Croatia to implement resolution 1019 (1995) and the demands set out in this statement, requests the Secretary-General to report to it no later than 15 February 1996 on this matter and expresses its intention to act as appropriate.

"The Security Council will remain seized of the matter."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1996/2.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 11.55 a.m.